



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 10 - CONVEYANCING*

Time allowed: 1 hour and 30 minutes plus 15 minutes reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read the question paper fully.** However, you may make notes on the paper or in your answer booklet during this time if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ball point pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following CILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

Question 1 Sale of 22 Stevenson Crescent

Reference: Question relates to **Documents 1 and 2** of the case study materials.

- (a) Explain the purpose of a Property Information Form. Give **two** examples of the information the Form would provide.
(5 marks)
- (b) Explain **two** methods by which you would obtain the most up to date details of your clients' title to 22 Stevenson Crescent.
(3 marks)
- (c) Identify the problem relating to the title of 22 Stevenson Crescent and suggest how that problem might have been overcome.
(7 marks)
- (d) Explain what information would be provided by a chancelcheck search.
(2 marks)

(Total: 17 marks)

Question 2 Purchase of 63 Waterfall Close

Reference: Question relates to **Documents 3 and 4** of the case study materials.

- (a) Describe the process used to exchange contracts for the purchase of 63 Waterfall Close and why you would have expected the contract to have been exchanged in this way.
(6 marks)
- (b) What enquiries would you have made to ensure Jennifer Ogutu has capacity to transfer the title of 63 Waterfall Close to your clients?
(6 marks)
- (c) Name **four** fees and disbursements, in addition to the purchase price, that your clients would be required to pay to enable you to complete their purchase of 63 Waterfall Close and register their title at HM Land Registry. (You are **not** required to calculate any amounts.)
(4 marks)
- (d) 63 Waterfall Close was built in 2005. Explain what guarantee you would expect to exist relating to its structural stability.
(7 marks)

(Total: 23 marks)

Question 3 Purchase of 63 Waterfall Close

Reference: Question relates to **Documents 3 and 4** of the case study materials.

Attachment: **Document A** extract Mortgage Deed.

- (a) Complete Boxes 1 to 5 of the Mortgage Deed and Form of Consent attached as **Document A** to this examination paper.

Important: Write your candidate number on Document A and attach it securely to your answer booklet.

(5 marks)

- (b) Explain the purpose of the search in Land Registry Form OS1.

(6 marks)

- (c) When completing your clients' purchase of 63 Waterfall Close, explain how you would ensure that the existing mortgage to Bobbins Bank Plc is discharged.

(5 marks)

- (d) What would you expect HM Land Registry to place on the title register to signify that your clients have purchased 63 Waterfall Close as beneficial tenants in common, and what would be its effect?

(4 marks)

(Total: 20 marks)

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Document A

Candidate number:

Extract Mortgage Deed to be used with Question 3 (a)

MORTGAGE DEED

Date:

We (us) are: Pan Euro Bank Plc (Company Number 865112) whose registered office is at 83 Fahrenheit Road, Roland Hill RH6 2LZ

You, the Borrower are: [Box 1]

The Mortgage Conditions are: Pan Euro Bank Mortgage Conditions 2012

The Property is: 63 Waterfall Close, Pebblebridge

Postcode: PB18 6XY Title No: [Box 2]

1. The Mortgage Conditions form part of this Mortgage. You confirm receipt of a copy of the Mortgage Conditions.
2. You charge the Property by way of legal mortgage with payment of all the money payable to us under the Mortgage Conditions. This Mortgage is made with Full Title Guarantee.
3. We are obliged to make further advances and application is made to the Registrar for a note to be entered on the Register to that effect.
4. We and you agree that this document may be destroyed at anytime after it has been electronically scanned and registered at HM Land Registry. An Official Copy issued by HM Land Registry will then be accepted as evidence for all purposes as if it were the original.

Signed as a Deed by:

(Signature of the Borrower)

(Signature, name and address of each witness)

.....[Box 3]
.....
.....

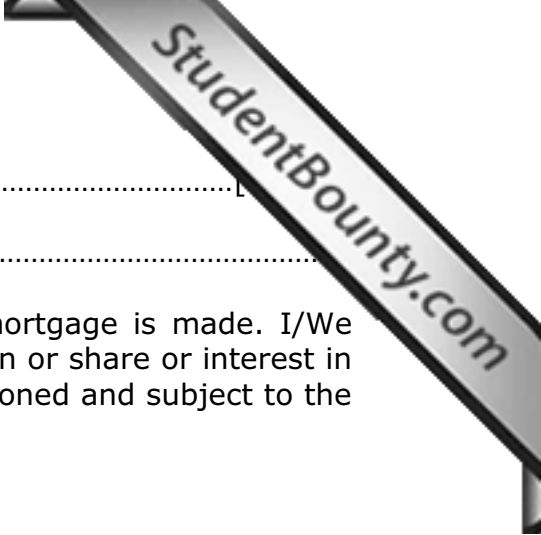
In the presence of
.....
.....

(Signature, name and address of each witness)

.....[Box 4]
.....
.....

In the presence of:.....
.....
.....

Form of Charge filed at HM Land Registry under reference MD886D



Occupier(s) Consent to Mortgage

I/We
.....

Will be in occupation of the Property at the time the mortgage is made. I/We agree with Pan Euro Bank Plc that any rights of occupation or share or interest in the Property which I/we may have now or later are postponed and subject to the rights of Pan Euro Bank Plc as first mortgagee.

Signed and delivered as a deed by the Occupier(s)

..... Witness Signature.....
Name.....
Address.....

..... Witness Signature.....
Name.....
Address.....

Signed on behalf of Pan Euro Bank Plc.....

This deed will be sent to HM Land Registry for registration of the charge between Pan Euro Bank Plc and the Borrowers.

No information relating to any Occupier or Guarantor will be registered by HM Land Registry

End of Examination Paper

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